

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1642 of 2018

- Reshma @ Pushpa Chhabda D/o Late Shri Sunder Lal Chhabda Aged About 50 Years R/o New Rajendra Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Gobra Navapara, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Manoj Paranjpe, Advocate.

For Respondent : Mrs. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/01/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending her arrest in connection with Crime No.177/2017 registered at Police Station- Gobra, Navapara District – Raipur(C.G.), for the offence punishable under Sections 498A, 506 & 34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case for the reason that she is the sister of the husband of the complainant against whom she has main grievance. There were already some disputes between the complainant and her husband Santosh Kumar Chhabda regarding

which a complaint was made by the applicants before the Sindhi Panchayat. After four years of marriage, in a sudden dispute that arose between the brother of this applicant with the complainant, she was manhandled by her husband as a result of which a false written complaint was filed involving this applicant as one of the participants. Hence, it is submitted that this applicant is totally innocent and she be granted anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the complainant has made clear statement regarding involvement of this applicant in the commission of offence, therefore, the application is liable to be rejected.
4. Heard both the parties and perused the case diary.
5. Marriage of complainant Mansi @ Laxmi Chhabda with Santosh Kumar Chhabda was performed on 10.7.2013. The complainant lodged written complaint on 7.3.2017 against her husband and in-laws including this applicant alleging demand of dowry and cruel treatment for the same. Hence, this case.
6. After overall consideration of the material present in the case diary and keeping in view the law laid down by the Hon'ble Supreme Court in the matters of ***Arnesh Kumar vs. State of Bihar*** reported in **(2014) 8 SCC 273**, and ***Rajesh Sharma vs. State of Uttar Pradesh and Ors*** reported in **(2017) 8 SCALE 313**, I am of this opinion that applicant deserves to be benefited with grant of anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer

arresting her on her executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(Rajendra Chandra Singh Samant)
Judge